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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,846	09/19/2000	Eduard Bruck	22599 NIPCTU	3778

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EXAMINER

TRAN, KHOA H

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/601,846

Applicant(s)

BRUCK, EDUARD

Examiner

Khoi Tran

Art Unit

3634

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-37 and 39-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-37 and 39-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

The previous Office action mailed on April 21, 2004 has been withdrawn because of a supplemental amendment, filed on February 09, 2004, arrived before the mail date of the Office action and it did not reached the technology center until after the April 21, 2004 Office action was mailed. Accordingly, a new Office action has been issued as follows to address the supplemental amendment of February 09, 2004.

The supplemental amendment filed on February 09, 2004 is incomplete because pages 3 and 6 are missing. However, during a personal interview on September 02, 2004, applicant gave the examiner a copy of the supplemental amendment filed on February 09, 2004 that includes claims 25-30 and claims 41-44 to consider.

Drawings

The proposed drawings correction and/or the proposed substitute sheets of drawings, filed on January 20, 2004 have been approved.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23, 24, 26, 32-37, 39, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basson et al. (U.S. Patent No. 4,882,842) in view of Morita et al. (U.S. Patent No. 5,395,580). Basson et al. disclose a door internal element (201),

Art Unit: 3634

see Figure 3A, for motor vehicle doors arranged between a door outer side (202) and an inner lining (203), a door internal element is a support element comprising a sealing body (351 and 141) disposed at an edge and in the grooves of the door internal element. Basson et al. disclose the door internal element formed in a single step process with any appropriate cushioning foam, see column 9, lines 48-58. Morita et al. teach a foam internal element formed in a single process of molding, see column 6, lines 1-13, and wherein the foam internal comprises a foamed porous central layer (14) lying between two solid boundary layers (13 and 15). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified the door internal element of Basson et al. to be a foam internal element that is formed in a single process or step instead of being formed by two steps of a conventional method as taught by Morita et al. in order to simplify and require a smaller production facility so that a significant reduction in cost can be achieved. With respect to claims 26 and 32, Figure 3 of Basson et al. illustrates the internal element having a cable bushing (131, 132) and a partial wall offset on the internal element to receive a strip insert (113). With respect to claim 36, it would have been an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill in the art to have dimensioned a section of the foam layer to be between 0.1 and 0.6 g/cm³ and to have dimensioned a section of the cross section of the door internal element to be between 0.7 and 1.4 g/cm³ thus producing no new and unexpected results.

Claims 25, 28, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basson et al. (U.S. Patent No. 4,882,842) in view of Morita et al. (U.S. Patent No. 5,395,580) as applied to claims 23, 24, 26, 32-37, 39, and 42 above, and further in view of Staser et al. (U. S. Patent No. 5,535,553). Staser et al. teach a door internal element having an attachment support (53) with an insert support plate (50) for mounting a motor, see Figure 2, and a speaker-mounting collar (32) for mounting a speaker, and a molded-in bushing (78) for receiving wires. See Figures 1, 2 and 4. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified the door internal element of Basson et al. in view of Morita et al. to have various hardwares preformed mounting surfaces as taught by Staser et al. in order to promote assembly efficiency in mounting various components to the door. With respect to claim 30, Staser et al. is silent on the material of the insert plate being made of, however, metal is a well-known and commercially available material uses in making a support plate. Accordingly, it would have been obvious to one ordinary skill in the art as a matter of engineering design choice to have utilized metal as the particular material to manufacture the insert support plate therefrom because it is well-within the level of skill in the art to utilize the known feature of the art for the purpose for which it's known.

Claims 27 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basson et al. (U.S. Patent No. 4,882,842) in view of Morita et al. (U.S. Patent No. 5,395,580) as applied to claims 23, 24, 26, 32-37, 39, and 42 above, and further in view of Wurm et al. (U.S. Patent No. 5,960,588). Wurm et al. teach a threaded bushing

Art Unit: 3634

(430b) incorporated therewith a cable wire (3). See Figure 1. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the door internal element of Basson et al. in view of Morita et al. with the provision of a threaded bushing as taught by Wurm et al. in order secure a cable wire therewith. Wurm et al. are silent on the material of the bushing being made of, however, plastic is a well-known and commercially available material per se in making a bushing. Accordingly, it would have been obvious to one ordinary skill in the art as a matter of engineering design choice to have utilized plastic as the particular material to manufacture the bushing therefrom because it is well-within the level of skill in the art to utilize the known feature of the art for the purpose for which it's known.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Basson et al. (U.S. Patent No. 4,882,842) in view of Morita et al. (U.S. Patent No. 5,395,580) as applied to claims 23, 24, 26, 32-37, 39, and 42 above, and further in view of Beaulat (U.S. Patent No. 5,595,415). Beaulat teaches a door internal element (3) having a cable holder (5) that shelters wires (5a) under a bridge of the cable holder. See Figure 1. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have provided the door internal element of Basson et al. in view of Morita et al. with the provision of cable holders as taught by Beaulat in order to prevent cable wires from coming in contact with the outer or inner door and prevent water damage to the wires.

Claims 39, 40, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basson et al. (U.S. Patent No. 4,882,842) in view of Morita et al.

Art Unit: 3634

(U.S. Patent No. 5,395,580) as applied to claims 23, 24, 26, 32-37, 39, and 42 above, and further in view of Ishikawa (U.S. Patent No. 5,102,163). Ishikawa teaches a door internal element having anchoring apertures (32) with extended tabs, see Figure 8, that is projected from the rear end face on the door inner element and engages with a clip (33) for securing the door internal element with the door outer side (26). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have provided the door internal element with clips as taught by Ishikawa in order to easily mount the door internal element with the door outer side without using additional tools.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stout, Ohya et al., Shimizu, Grimes, Benoit et al., and Marcovecchio et al. are cited to show a door internal element that has similar configurations of designs to applicant's invention.

Response to Amendment

Applicant's arguments with respect to claims 23-37 and 39-44 have been considered but are moot in view of the new grounds of rejection.

The new grounds of rejection were necessitated by applicant's amendment, e.g. "wherein said solid boundary layers and said foamed, porous central layer (54) are zones of one single body", in claim 23, lines 7-9.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437. The examiner can normally be reached on Monday through Thursday from 9:30 A.M. to 7:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun, can be reached on (703) 308-2156. The fax phone number for this Group before a final Office action is (703) 872-9306 and after a final Office action is (703) 872-9327.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Art Unit: 3634

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khoa Tran

October 18, 2004



LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER